

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:24-cv-00303

James D Williams,
Plaintiff,

v.

Ezenwanyi Onwuchekwa et al.,
Defendants.

ORDER


Plaintiff James D. Williams, proceeding pro se and in forma pauperis, filed this civil-rights lawsuit under 42 U.S.C. § 1983. The case was referred to a magistrate judge under 28 U.S.C. § 636(b). Doc. 2. Plaintiff filed a second amended complaint raising claims for monetary damages against the defendants in their official capacities and for declaratory and permanent injunctive relief, among other claims. Doc. 31; *see also New Orleans Ass'n of Cemetery Tour Guides & Co. v. New Orleans Archdiocesan Cemeteries*, 56 F.4th 1026, 1033 (5th Cir. 2023) (“An amended complaint supercedes the original complaint and renders it of no legal effect”).

The magistrate judge issued a report and recommendation that plaintiff’s claims for monetary damages against defendants in their official capacities be dismissed without prejudice as prohibited by the Eleventh Amendment. Doc. 42 at 6, 8; *see also Frew v. Hawkins*, 540 U.S. 431, 437 (2004) (citing *Seminole Tribe of Fla. v. Fla.*, 517 U.S. 44, 54 (1996)). The report further recommended that plaintiff’s claims for declaratory and injunctive relief be denied as moot and for lack of standing. *Id.* at 8; *see also Bauer v. Texas*, 341 F.3d 352, 358 (5th Cir. 2003) (“To obtain [declaratory] relief for past wrongs, a plaintiff must demonstrate either continuing harm or a real and immediate threat of repeated injury in the future.”). Plaintiff did not file objections to the report and recommendation. The time for doing so has passed. *See U.S. Bank Trust N.A. v. Walden*, 124 F.4th 314, 320 (5th Cir. 2024) (“Under

Federal Rule of Civil Procedure 72, a party has 14 days to file objections to the proposed findings and recommendations of the magistrate judge.”).

When there have been no timely objections to a magistrate judge’s report and recommendation, the court reviews it only for clear error. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1429 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Having reviewed the magistrate judge’s report and being satisfied it contains no clear error, the court accepts its findings and recommendation. Plaintiff’s claims for money damages against the defendants in their official capacities are dismissed without prejudice. Further, plaintiff’s request for declaratory relief and injunctive relief in the form of a unit transfer is denied without prejudice for mootness and lack of standing. Plaintiff’s retaliation and medical deliberate indifference claims against defendants Onwuchekwa, Dorety, and King, in their individual capacities, remain pending.

So ordered by the court on August 27, 2025.



J. CAMPBELL BARKER
United States District Judge